

United States Courts
Southern District of Texas
FILED

September 13, 2022

Nathan Ochsner, Clerk of Court

PROB 12C
(7/03)

4:22-mj-2185
UNITED STATES DISTRICT COURT

for

WESTERN DISTRICT OF TEXAS

Petition for Warrant or Summons for Offender Under Supervision

FILED
SEP 09 2022
CLERK, U.S. DISTRICT COURT
WESTERN DISTRICT OF TEXAS

Name of Offender: Manuel De Jesus Gutierrez Case Number: DR-17-CR-01173-JCZ
Name of Sentencing Judicial Officer: United States District Judge, Jay C. Zainey
Date of Original Sentence: October 9, 2018
Original Offense: Illegal Re-Entry into the United States, 8 U.S.C. § 1326
Original Sentence: Twenty-eight (28) months imprisonment, followed by a three (3) year term of supervised release.
Type of Supervision: Supervised Release Date Supervision Commenced: September 16, 2019
Assistant U.S. Attorney: Shane Austin Chriesman Defense Attorney: John J. Stickney (AFPD)

PREVIOUS COURT ACTION

None.

A true copy of the original, I certify,
Clerk U.S. District Court

PETITIONING THE COURT

By [Signature]
Deputy

☒ To issue a WARRANT

The probation officer believes that the offender has violated the following condition(s) of supervision:

- | Violation Number | Nature of Noncompliance |
|------------------|--|
| 1. | Mandatory Condition No. 1: The defendant shall not commit another federal, state, or local crime during the term of supervision. |
| 2. | Standard Condition No. 17: If the defendant is excluded, deported, or removed upon release on probation or supervised release, the term of supervision shall be a non-reporting term of probation or supervised release. The defendant shall not illegally reenter the United States. If the defendant is released from confinement or not deported, or lawfully re-enters the United States during the term of probation or supervised release, the defendant shall immediately report in person to the nearest U.S. Probation Office, or as ordered by the Court. |

On September 30, 2019, the offender, Manuel De Jesus Gutierrez, was released to the custody of the United States Immigration and Customs Enforcement, and was deported from the United States to El Salvador, through Alexandria, Louisiana. On or about May 11, 2021, the offender, an alien and citizen of El Salvador, was found in the United States after having been previously denied admission, excluded, deported or removed from the United States, and the offender had not received the consent of the Attorney General of the United States or the Secretary of the Department of Homeland Security, the successor for this function pursuant to 6 U.S.C. §§ 202(3), 202(4), & 557, to reapply for admission, and being voluntarily in the United States, in

Violation of 8 U.S.C. § 1326 (a) & (b)(1)/(2).

On or about May 11, 2021, the offender was arrested by the Harris County Constable's Office in Houston, Texas. An Indictment was filed on September 15, 2021, in the 338th Harris County District Court, in Houston, under Docket No.: 1722654. The Indictment charges the offender with a felony offense for Theft Greater than \$2,500 2/More Previous Convictions. On May 12, 2021, the offender was released on bond. On November 3, 2021, an arrest warrant was issued after the offender failed to report as directed. The warrant is active and further court proceedings remain pending. A request to obtain an offense report from the Harris County Constable's Office was submitted; however, a response remains pending.

On June 23, 2021, an Indictment was filed in the United States District Court of the Southern District of Texas – Houston Division, under Docket No.: 4:21cr344. The Indictment charges the offender with an illegal reentry offense occurring on or about May 11, 2021. On July 6, 2022, consequent to the issuance of an Arrest Warrant, the offender was encountered and arrested by the Memorial Village Police Department in Houston. He was released to the custody of the United States Immigration and Customs Enforcement. On July 18, 2022, the offender was turned over the custody of the United States Marshals Service. The offender remains in federal custody awaiting further Court proceedings.

U.S. Probation Officer Recommendation:

The term of supervision should be:

- ☒ revoked. (Maximum penalty: 2 years imprisonment; 3 years supervised release; and payment of any unsatisfied monetary sanction previously imposed)
- ☐ extended for _____ years for a total term of _____ years
- ☐ The conditions of supervision should be modified as follows: _____

Approved:

Cynthia A. Sandoval-Delgado

Cynthia A. Sandoval-Delgado
Supervising U.S. Probation Officer

Respectfully Submitted,

Leonardo A. Ramos

Leonardo A. Ramos
U.S. Probation Officer
Date: September 6, 2022
Telephone #: (830) 308-6149

Approved:

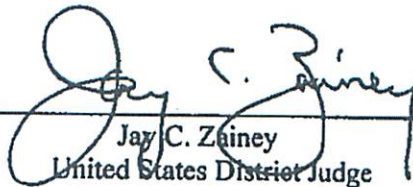
James T. Ward

James T. Ward
Supervisory Assistant U.S. Attorney

cc: Javier Cenicerros
Assistant Deputy Chief U.S. Probation Officer

THE COURT ORDERS:

- ☐ No action.
- ☒ The issuance of a WARRANT. Bond is set in the amount of \$ Return cash/surety with supervision
by the United States Probation Office to continue as a condition of release.
- ☐ The issuance of a SUMMONS.
- ☐ Other _____
-


Jay C. Zainey
United States District Judge

September 9, 2022
Date